

**Standards of Accreditation Chapter 55**  
**Final Recommended Changes to Chapter 55 Rule Language**  
**April 2012**

Administrative Rules of Montana 10.55.706-10.55.718	Recommended Changes
<b>10.55.706 TEACHER INVOLVEMENT</b>	
(1) Teachers shall be involved in curriculum development and student assessments and in the promotion of a school climate that enhances student learning, achievement, and well-being. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)	No Changes
<b>10.55.707 TEACHER AND SPECIALIST LICENSURE</b>	
(1) Teachers shall hold Montana teaching licenses.	1) Teachers <u>and specialists</u> shall <del>hold Montana teaching licenses</del> <u>be:</u>
	<u>(a) licensed in accordance with state statutes and Board of Public Education rules; or</u>
	<u>(b) considered appropriately assigned if the teacher or specialist is enrolled in an internship as defined in 10.55.602 (13).</u>
	(i) <u>the school district shall arrange for a licensed and endorsed teacher in the content area to provide periodic support to the intern.</u>
	(ii) <u>should the accredited educator preparation program determine, in agreement with the employing school district, that the intern has failed to show sufficient and satisfactory annual progress toward completion of the</u>

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	<u>program, the accredited educator preparation program shall dismiss the intern from the internship program.</u>
	(iii) <u>the accredited educator preparation programs shall report enrolled interns between 10/1 and 11/15 each year. The school district shall report the yearly progress of the intern to the OPI during the annual data collection at the beginning of years two and three of the internship.</u>
(2) An emergency authorization of employment is not a valid license; it is granted to a district which, under emergency conditions, cannot secure the services of a licensed teacher.	(2) An emergency authorization of employment is not a valid license; it is granted to a district which, under emergency conditions, cannot secure the services of a licensed <u>and endorsed educator</u> <del>teacher</del> .
(3) All school psychologists must be licensed with a class 6 specialist license.	No Changes
(4) Licensed teachers and school counselors who are enrolled in Board of Public Education approved internship programs according to the following provisions shall be considered appropriately assigned when teaching or serving in the internship area.	(4) Licensed teachers and school counselors who are enrolled in Board of Public Education <del>approved</del> <u>accredited</u> internship programs <del>according to the following provisions in the state of Montana</del> shall be considered appropriately assigned when teaching or serving in the internship area.



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(a) Only an accredited educator preparation institution located within the boundaries of the state of Montana shall be eligible to operate an approved endorsement area internship program.	<del>(a) Only an accredited educator preparation institution located within the boundaries of the state of Montana shall be eligible to operate an approved endorsement area internship program.</del>
(b) Only a currently licensed Montana teacher enrolled in an approved endorsement area internship program shall be considered appropriately assigned when teaching or serving in the endorsement area within three years following the date of initial enrollment.	<del>(b) Only a currently licensed Montana teacher enrolled in an approved endorsement area internship program shall be considered appropriately assigned when teaching or serving in the endorsement area within three years following the date of initial enrollment.</del>
(c) An educator preparation program shall obtain approval of the Board of Public Education prior to placing interns in positions in local school districts in the state of Montana. In order to gain approval, the program must:	<del>(c) An educator preparation program shall obtain approval of the Board of Public Education prior to placing interns in positions in local school districts in the state of Montana. In order to gain approval, the program must:</del>
(i) file an application with the Board of Public Education;	<del>(i) file an application with the Board of Public Education;</del>
(ii) include a model plan for preparation of interns prior to placement that shall include, at a minimum, completion of or enrollment in six semester credits of study in the endorsement field the teacher is pursuing;	<del>(ii) include a model plan for preparation of interns prior to placement that shall include, at a minimum, completion of or enrollment in six semester credits of study in the endorsement field the teacher is pursuing;</del>

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(iii) appoint a faculty member responsible for ensuring compliance with all program requirements by interns enrolled in the program, which shall include, as a minimum, an on-site visit to each school district in which an intern is placed at least once during the term of the internship.	<del>(iii) appoint a faculty member responsible for ensuring compliance with all program requirements by interns enrolled in the program, which shall include, as a minimum, an on-site visit to each school district in which an intern is placed at least once during the term of the internship.</del>
(d) All interns placed in a school district shall receive an appropriate level of periodic supervision and training by a licensed teacher who is currently endorsed in the intern's prospective endorsement area.	<del>(d) All interns placed in a school district shall receive an appropriate level of periodic supervision and training by a licensed teacher who is currently endorsed in the intern's prospective endorsement area.</del>
(5) All personnel whose qualifications are not outlined in the certification standards must have a license issued by the appropriate state or federal licensing agent or national registry if required by the existing rules and regulations. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1991 MAR p. 1933, Eff. 10/18/91; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)	<del>(5) All personnel whose qualifications are not outlined in the certification standards must have a license issued by the appropriate state or federal licensing agent or national registry if required by the existing rules and regulations</del>
<b>10.55.708 TEACHING ASSIGNMENTS</b>	
(1) Teachers shall be assigned at the levels and in the subjects for which their certificates are endorsed. Exceptions are:	(1) Teachers shall be assigned at the levels and in the subjects for which <u>their certificates they are licensed</u> and endorsed. <del>Exceptions are: or</del>



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(a) individuals serving in internship positions approved by the Board of Public Education;	<del>(a) individuals serving in internship positions approved by the Board of Public Education;</del> <u>considered appropriately assigned if the teacher is enrolled in an internship program as defined in 10.55.602 (12).</u>
(b) teachers assigned in grade 5 or 6 in the departmentalized classroom or middle school, who hold a 5-12 secondary certificate, must be endorsed in the subjects they are teaching. A 5-12 certificate will not cover a grade 5 or 6 assignment in a self-contained classroom;	(b) teachers assigned in grade 5 or 6 in the departmentalized classroom or middle school, who hold a 5-12 secondary <del>certificate</del> <u>license</u> , must be endorsed in the subjects they are teaching. A 5-12 <del>certificate</del> <u>license</u> will not cover a grade 5 or 6 assignment in a self-contained <u>K-8</u> classroom; <u>and</u>
(c) clarifications of teaching assignments in grades 5 through 12 departmentalized settings are published in Appendix A of the "Montana School Accreditation Standards and Procedures Manual" adopted November 2000.	( c) clarifications of teaching assignments in grades 5 through 12 departmentalized settings are published in Appendix A of the "Montana School Accreditation Standards and Procedures Manual." <del>adopted November 2000.</del>
(2) Certification at the elementary level entitles the holder to teach in grades K through 8.	(2) <del>Certification</del> <u>Licensure</u> at the elementary level entitles the holder to teach in grades K through 8.
(3) No teacher shall have more than 28 hours of assigned student responsibility per week except for one-, two-, and three-teacher schools. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340,	No Change

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Eff. 12/8/00.)	
<b>10.55.709 LIBRARY MEDIA SERVICES, K-12</b>	
(1) The library shall be housed in a central location, and each school shall have a full-time or part-time certified school library media specialist with a K-12 library media endorsement at the following ratio:	(1) The <u>school</u> library shall be housed in a central location, and each school shall have a full-time, or part-time <del>certified</del> <u>licensed and endorsed</u> <del>school</del> library media specialist with a <del>K-12 library media endorsement</del> at the following ratio:
(a) .5 FTE for schools with 126-250 students;	No Change
(b) 1 FTE for schools with 251-500 students;	No Change
(c) 1.5 FTE for schools with 501-1000 students;	No Change
(d) 2 FTE for schools with 1001-1500 students;	No Change



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(e) 2.5 FTE for schools with 1501-2000 students;	No Change
(f) 3 FTE for schools with 2001 or more students.	No Change
(2) Schools or districts of fewer than 125 students shall employ or contract with a certified, endorsed school library media specialist, or seek alternative ways to provide library media services, using certified personnel. For example, they may contract for services or receive services from a regional, certified library media specialist provided through joint efforts of adjacent districts and/or counties.	(2) Schools or districts of fewer than 125 students shall employ or contract with a <u>certified licensed and endorsed school-library media specialist</u> . <del>or seek alternative ways to provide library media services, using certified personnel.</del> For example, they may contract for services or receive services from a regional, <u>certified library media specialist provided through joint efforts of adjacent districts and/or counties.</u> <u>They may utilize a consortium, multi-district agreement, or interlocal cooperative to secure these services.</u> (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)
(a) Alternative services shall include:	<del>(a) Alternative services shall include:</del>
(i) instruction in library media skills;	<del>(i) instruction in library media skills;</del>
(ii) administration of a library media program that meets the district's instructional goals;	<del>(ii) administration of a library media program that meets the district's instructional goals;</del>
(iii) collection, development and management;	<del>(iii) collection, development and management;</del>
(iv) reader assistance;	<del>(iv) reader assistance;</del>
(v) library media collection management;	<del>(v) library media collection management; and</del>

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and	
(vi) inservice in the use of new resources and equipment. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)	<del>(vi) inservice in the use of new resources and equipment.</del>
<b>10.55.710 ASSIGNMENT OF SCHOOL COUNSELING STAFF</b>	
(1) A minimum equivalent of one full-time counselor for each 400 elementary (K-8) students shall be provided. The counselor/student ratio shall be prorated.	No Change
(2) A minimum equivalent of one full-time counselor for each 400 high school students (including grades 7 and 8 if high school funding is received) shall be provided. The counselor/student ratio shall be prorated.	No Change
(3) Schools and/or districts with fewer than 125 students shall:	(3) Schools and/or districts with fewer than 125 students shall <u>employ or contract with a licensed, endorsed school counselor or class 6 specialist. They may utilize a consortium multi-district agreement, or interlocal cooperative to secure these services.</u> (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3309, Eff. 11/28/02.)



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(a) employ or contract with a licensed, endorsed school counselor or class 6 specialist; or	<del>(a) employ or contract with a licensed, endorsed school counselor or class 6 specialist; or</del>
(b) seek alternative ways to provide counseling services and meet the required school counseling program goals using licensed personnel. For example, they may contract for services or receive services from a licensed school counselor or class 6 specialist provided through joint efforts of adjacent districts and/or counties.	<del>(b) seek alternative ways to provide counseling services and meet the required school counseling program goals using licensed personnel. For example, they may contract for services or receive services from a licensed school counselor or class 6 specialist provided through joint efforts of adjacent districts and/or counties.</del>
(i) When a school district uses alternatives to meet this standard, it shall submit a description of the alternatives to the Superintendent of Public Instruction and seek approval from the Board of Public Education. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)	<del>(i) When a school district uses alternatives to meet this standard, it shall submit a description of the alternatives to the Superintendent of Public Instruction and seek approval from the Board of Public Education.</del>

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<b>10.55.711 GENERAL: CLASS SIZE AND TEACHER LOAD</b>	
(1) These standards do not require a minimum class size at any grade level or for any subject offered. One pupil may be considered a class. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1995 MAR p. 625, Eff. 4/28/95.)	No Change
<b>10.55.712 CLASS SIZE: ELEMENTARY</b>	
(1) In single grade rooms, the maximum class size shall be:	No Change
(a) no more than 20 students in kindergarten and grades 1 and 2;	No Change
(b) no more than 28 students in grades 3 and 4;	No Change
(c) no more than 30 students in grades 5 through 8.	No Change
(2) In multigrade classrooms, the maximum class size shall be:	No Change

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(a) no more than 20 students in grades K, 1, 2, and 3;	No Change
(b) no more than 24 students in grades 4, 5, and 6;	No Change
(c) no more than 26 students in grades 7 and 8.	No Change
(3) Multigrade classrooms that cross grade level boundaries (e.g., 3-4, 6-7) shall use the maximum of the lower grade.	No Change
(4) In one-teacher schools, the maximum class size shall be 18 students.	No Change
(5) Instructional aides are mandatory when class size or teacher load exceed the standards. An instructional aide shall be assigned a minimum of 1 1/2 hours per day, per student overload up to six hours.	No Change
(6) An overload of five students per classroom is considered excessive. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1995 MAR p. 625, Eff. 4/28/95; AMD, 2000 MAR	No Change

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p. 3340, Eff. 12/8/00.)	
<b>10.55.713 TEACHER LOAD AND CLASS SIZE: HIGH SCHOOL, JUNIOR HIGH, MIDDLE SCHOOL, AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES</b>	
(1) In addition to the school administrator, the school shall employ a sufficient number of certified FTEs to allow for varying instructional patterns including, but not limited to teaming, core curriculum and departmentalization. Each program offered shall have properly endorsed FTE(s).	(1) In addition to the school administrator, the school shall employ a sufficient number of <del>certified</del> <u>licensed</u> FTEs to allow for varying instructional patterns including, but not limited to teaming, core curriculum and departmentalization. Each program offered shall <del>have properly be</del> <u>staffed by appropriately licensed and endorsed FTE(s) educators.</u>
(2) Individual class size shall not exceed 30 students.	No Change
(a) Class size limits do not apply to instrumental music or choral groups.	No Change
(b) Laboratory/studio class size shall be limited for safety purposes. The number of students shall be determined through consultation with the teacher, considering the number, size and use of laboratory stations.	(b) <u>Laboratory/studio, e.g., science, art, PE, career &amp; technical education,</u> class size shall be limited for safety purposes. The number of students shall be determined through consultation with the teacher, considering the number, size and use of laboratory stations.
(3) The number of students assigned a teacher per day shall not exceed 150.	No Change

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(a) Study hall, regardless of size, shall be counted at 15 students.	No Change
(b) Student limits do not apply to instrumental music or choral groups.	(b) Student limits do not apply to instrumental music or choral groups.
(c) Library, guidance, and study hall duties are assigned student responsibilities. However, in cases where a teacher is assigned full time in these areas, the assignment may be for the entire day.	No Changes
(4) Teachers with a significant writing program, as determined by the local board of trustees, shall have a maximum load of 100 students. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)	No Changes
<b>10.55.714 PROFESSIONAL DEVELOPMENT</b>	
(1) By definition, professional development:	(1) <del>By definition,</del> Professional development:
	(a) <u>shall be aligned with district educational goals and objectives;</u>

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(a) focuses on teachers as central to student learning, yet includes all other members of the school community;	<del>(a)</del> <u>(b)</u> focuses on teachers as central to student learning, yet includes all other members of the school community;
(b) focuses on individual, collegial, and organizational improvement;	<del>(b)</del> <u>(c)</u> focuses on individual, collegial, and organizational improvement;
(c) respects and nurtures the intellectual and leadership capacity of teachers, principals, and others in the school community;	<del>(c)</del> <u>(d)</u> respects and nurtures the intellectual and leadership capacity of teachers, principals, and others in the school community;
(d) reflects proven research and practice in teaching, learning, and leadership;	<del>(d)</del> <u>(e)</u> reflects proven research and practice in teaching, learning, and leadership;
(e) enables teachers to develop further experience in subject content, teaching strategies, uses of technologies, and other essential elements in teaching to high standards;	<del>(e)</del> <u>(f)</u> enables teachers to develop further experience in subject content, teaching strategies, uses of technologies, and other essential elements in teaching to high standards;
(f) promotes continuous inquiry and improvement embedded in the daily life of schools;	<del>(f)</del> <u>(g)</u> promotes continuous inquiry and improvement embedded in the daily life of schools;

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(g) is ongoing and sustained;	<del>(g)</del> <u>(h)</u> is ongoing and sustained;
(h) is planned collaboratively by those who will participate in and facilitate that development;	<del>(h)</del> <u>(i)</u> is planned collaboratively by those who will participate in and facilitate that development;
(i) requires substantial time and other resources;	<del>(i)</del> <u>(j)</u> requires substantial time and other resources;
(j) is driven by a coherent long-term plan; and	<del>(j)</del> <u>(k)</u> is driven by a coherent long-term plan; and
(k) is evaluated ultimately on the basis of its impact on teacher effectiveness and student learning, and this assessment guides subsequent professional development efforts.	<del>(k)</del> <u>(l)</u> is evaluated ultimately on the basis of <u>it's the impact of professional development on teacher effectiveness and student learning, and the results of this assessment guides subsequent professional development efforts.</u>
(2) Teachers and specialists shall annually complete a minimum of three pupil instruction related (PIR) days dedicated exclusively to professional development.	(2) Teachers and specialists shall annually complete a minimum of three pupil instruction related (PIR) days dedicated exclusively to professional development, <u>or pursuant to law they shall not be paid.</u>
(a) A professional development PIR day	(a) A professional development PIR day shall constitute six hours of

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shall constitute six hours of contact time.	contact time, <u>or the equivalent of six hours to occur over the course of multiple days.</u>
(b) A school district may divide a professional development PIR day into no fewer than two-hour blocks of contact time.	(b) A school district may divide a professional development PIR day into no fewer than <del>two</del> <u>one</u> -hour blocks of contact time.
(c) A professional development block may be held on the same day as a pupil instruction day, but a school district shall not schedule a professional development PIR day to convene simultaneously with a pupil instruction day.	No change
(3) School district trustees shall establish an advisory committee to evaluate the school district's current school year professional development plan and develop and recommend a plan for the subsequent school year.	<del>(3) School district</del> The board of trustees shall establish an advisory committee to evaluate the school district's current school year professional development plan; and develop and recommend <u>to the trustees</u> a plan for the subsequent school year.
(a) The advisory committee shall include, but not be limited to, trustees, administrators, and teachers. A majority of the committee shall be teachers.	No Change
(b) Each school year, school district trustees shall adopt a professional development plan	(b) Each school year, school district the board of trustees shall adopt a professional development plan <del>for the subsequent school year based on</del>



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for the subsequent school year based on the recommendation of the advisory committee.	<del>the recommendation of the advisory committee.</del>
(c) The plan recommended by the advisory committee and adopted by the school district trustees shall outline how, when, and from whom teachers and specialists shall meet their professional development PIR day expectations.	(c) <del>The plan recommended by the advisory committee and</del> adopted by the school district board of trustees shall outline how, when, and from whom teachers and specialists shall meet their professional development PIR day expectations.
(d) Although the advisory committee's recommendation is advisory, the plan adopted by the school district trustees must include two professional development PIR days in October during which schools must close in order to permit teachers and specialists to attend the annual professional development meetings of state professional associations.	<del>(d) Although the advisory committee's recommendation is advisory, t</del> <u>The</u> plan adopted by the school district board of trustees must include two professional development PIR days in October during which schools must close in order to permit teachers and specialists to attend the annual professional development meetings of state professional associations.
(e) The adopted plan may include alternatives but shall not interfere with or prohibit teacher and specialist attendance at the annual October professional development meetings of state professional associations.	No Change
(f) Teachers and specialists who do not attend the annual professional development October meetings of state professional	No Change

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associations or school district plan approved alternative professional development PIR days shall not be paid for the days they are absent.	
(g) Teachers, specialists, administrators, and school districts shall not substitute for professional development PIR day purposes professional development opportunities not specifically outlined in the school district's adopted professional development plan.	No Change
(h) School district trustees shall file their adopted professional development plan with the Office of Public Instruction and make their plan available to employees and the public. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00.)	(h) <del>School district</del> <u>The board of</u> trustees shall file their adopted professional development plan with the Office of Public Instruction and make their plan available to employees and the public.
<b>10.55.715 INSTRUCTIONAL-AIDES PARAPROFESSIONALS: QUALIFICATIONS AND SUPERVISION</b>	
(1) Instructional aides need not be certified; however, the following supervision is required:	(1) <del>Instructional-aides</del> <u>Paraprofessionals</u> need not be licensed; however, the following supervision is required:
(a) Instructional aides assigned due to	(a) <del>Instructional aides</del> <u>Paraprofessionals</u> assigned due to classroom size

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<p>classroom size or diversity shall be under the direct supervision of a certified teacher. This means that the aide shall be supervised by a certified teacher who is responsible for instruction and assessment of students. The supervising teacher shall be available while the aide is fulfilling his/her responsibilities and shall not be simultaneously assigned to another teaching duty or preparation time.</p>	<p>or diversity shall be under the direct supervision of a <del>certified</del>-<u>licensed</u> teacher. This means that the <del>aide</del> <u>paraprofessional</u> shall be supervised by a <del>certified</del> <u>licensed</u> teacher who is responsible for instruction and assessment of students. The supervising teacher shall be available while the <del>aide</del> <u>paraprofessional</u> is fulfilling his/her responsibilities and shall not be simultaneously assigned to another teaching duty or preparation time.</p>
<p>(b) Instructional aides assigned to assist students with special education needs shall be under the supervision of the teacher or other professional designated as primarily responsible for instructional planning for the student. The designated professional has the responsibility to provide regularly scheduled communication and direction to the instructional aide and not to delegate any activity to the instructional aide that requires professional skill, knowledge and judgment.</p>	<p>(b) Instructional <del>aides</del> <u>paraprofessionals</u> assigned to assist students with special education needs shall be under the supervision of the teacher or other professional designated as primarily responsible for instructional planning for the student. The designated professional has the responsibility to provide regularly scheduled communication and direction to the instructional-<del>aide</del> <u>paraprofessional</u> and not to delegate any activity to the instructional <del>aide</del> <u>paraprofessional</u> that requires professional skill, knowledge and judgment.</p>
<p>(c) Instructional aides assigned to assist students in gaining specialized knowledge not generally available from a properly endorsed teacher shall be supervised by a teacher certified at the proper level. The supervising teacher is responsible for</p>	<p>(c) Instructional-<del>aides</del> <u>paraprofessional</u> assigned to assist students in gaining specialized knowledge not generally available from a properly endorsed teacher shall be supervised by a teacher <del>certified</del>- <u>licensed</u> at the proper level. The supervising teacher is responsible for instruction and assessment of students and shall not be simultaneously assigned to</p>

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instruction and assessment of students and shall not be simultaneously assigned to another teaching duty or preparation time. (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 2000 MAR p. 3340, Eff. 12/8/00.)	another teaching duty or preparation time.
<b>10.55.716 SUBSTITUTE TEACHERS</b>	
(1) Substitute teachers may be used for extended teacher absences under the following conditions:	No Change
(a) In cases where a regular, licensed teacher under contract is temporarily unable, by reason of illness or for other reasons approved by the school district board of trustees, to fulfill the teacher's duties, substitute teachers may be employed to carry on the duties of that teacher's position for a period not to exceed 35 consecutive teaching days. Such substitutes need not hold a current license, but preference shall be given to those substitutes who are properly licensed.	No Change
(b) If the absence of the regular, licensed or authorized teacher continues for more than 35 consecutive teaching days, the substitute may be placed under contract if licensed or the board of trustees shall place a licensed teacher under contract. If the board of	No Change

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trustees makes a written declaration to the Superintendent of Public Instruction that no licensed teacher is available, the district shall pursue the employment of a teacher authorized under the provisions of ARM 10.57.107.	
(2) Any nonlicensed substitute teacher shall complete a minimum of three hours of training, as approved by the school district board of trustees.	No Change
(3) Any nonlicensed substitute teacher must have received a high school diploma or have attained a passing score on the general education development assessment.	No Change
(4) A district that employs a nonlicensed substitute teacher must conduct a fingerprint-based background check of that individual according to the following procedures:	No Change
(a) The nonlicensed substitute teacher must present a complete set of fingerprints to a qualified law enforcement agency to be submitted to the school district.	No Change
(b) The district shall not employ the nonlicensed substitute teacher until state and federal authorities have reported the results of the background check or until the district has conducted a reference check of the individual.	No Change

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<p>(c) The district shall accept the report of a previous fingerprint-based background check if it is submitted by a Montana university or college for a student currently or formerly enrolled in an accredited Montana professional educator program. The report shall not be accepted if it was completed more than two years prior to the date of submission.</p>	<p>(c) The district shall accept the report of a previous fingerprint-based background check if it is submitted by a Montana university or college for a student currently or formerly enrolled in an accredited Montana professional educator program, <u>or from a public or private accredited school that previously employed the substitute.</u> The report shall not be accepted if it was completed more than two years prior to the date of submission.</p>
<p>d) The district shall consider the information obtained from the results of the fingerprint-based background check under the provisions of Title 37, chapter 1, part 2, MCA, governing the licensure of criminal offenders and under 20-4-110, MCA. Conviction, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered by the district as grounds for removal from the classroom if the conviction was for a sexual offense, theft, or any other crime meeting the criteria of Title 37, chapter 1, part 2, MCA.</p>	<p>No Change</p>
<p>(5) Sections (2), (3), and (4) may be waived by the trustees in whole or in part, if the nonlicensed substitute has previous teaching</p>	<p>(5) Sections (2), (3), and (4) may be waived by the trustees in whole or in part, if the nonlicensed substitute has previous teaching or substitute teaching experience in an accredited public school in Montana prior to</p>

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or substitute teaching experience in an accredited public school in Montana prior to November 28, 2002. (History: 20-4-102, MCA; IMP, 20-4-102, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD & TRANS, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2007 MAR p. 504, Eff. 4/27/07.)	November 28, 2002 <u>and who has continued to substitute from year to year thereafter.</u>
<b>10.55.717 ASSIGNMENT OF PERSONS PROVIDING INSTRUCTION TO BRAILLE STUDENTS</b>	
(1) No certified or classified employee of a school district, cooperative, or any contracted service provider shall be assigned to provide instruction of Braille to a student or produce Braille materials who has not demonstrated competency in "contracted" (grade two) standard literary Braille code by:	(1) No <del>certified</del> <u>licensed</u> or classified employee of a school district, cooperative, or any contracted service provider shall be assigned to provide instruction of Braille to a student or produce Braille materials who has not demonstrated competency in "contracted" (grade two) standard literary Braille code by:
(a) successful completion of the National Literary Braille Competency Test; or	No Change
(b) successful completion of the Braille competency test developed by Portland State University (Braille Literacy Usage Exam); or	No Change
(c) successful completion of Library of Congress transcriber's certificate; or	No Change
(d) successful completion of a program, for teaching visually impaired students, from an accredited college or university.	No Change

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(2) The employing agency (school district and/or cooperative) is responsible for monitoring appropriate assignment of personnel under (1).	No Change
(3) Any person under (1) shall have two years, from the date that the individual has been initially assigned to provide instruction in Braille or to produce Braille materials, to successfully pass the testing requirements.	No Change
(4) A person who has met the requirements of (1) shall maintain their facility with "contracted" (grade two) standard literary Braille code through continuing education opportunities.	No Change
(5) For the purposes of (4), an approved provider of continuing education may include any entity approved by the Montana Office of Public Instruction and/or the Montana Board of Education.	No Change
(6) Individuals who seek to remain eligible to work with visually impaired students are responsible for documenting completion of continuing education. Such individuals will provide a copy of their documentation to their employing school district.	No Change
(7) If a paraprofessional, who has not successfully met the requirements found in (1), is assigned to work with a student who has a visual impairment, the paraprofessional will be supervised by the	No Change



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<p>district's special education teacher in collaboration with a teacher of the visually impaired who holds a credential from an accredited university. In addition, the assigned paraprofessional and the school district shall meet the requirements contained in (1) within two years of the date a student with a visual impairment has been identified as in need of Braille instruction and/or materials. (History: 20-2-114, MCA; <u>IMP</u>, 20-1-121, 20-7-475, MCA; <u>NEW</u>, 2007 MAR p. 188, Eff. 2/9/07.)</p>	
<p><b>10.55.718 ASSIGNMENT OF PERSONS PROVIDING SIGN LANGUAGE INTERPRETING FOR STUDENTS WHO ARE DEAF OR HARD OF HEARING</b></p>	
<p>(1) Effective July 1, 2011, and notwithstanding (3), no licensed or classified employee of any school district, cooperative, or contracted service provider shall be regularly assigned to provide educational sign language interpreting for a student(s) unless the employee has demonstrated skills and knowledge, at a 3.5 level or higher, on the Educational Interpreter Performance Assessment (EIPA) and passed the written portion of the Educational Interpreter</p>	<p>No Change</p>

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Performance Assessment.	
(2) Substitute employees of any school district, cooperative, or contracted service provider temporarily assigned to provide educational sign language interpreting for a student(s) for a period longer than 35 consecutive teaching days shall meet the standard in (1).	No Change
(3) An employee who has not met the qualifications in (1), but who has demonstrated a competency level of 2.5 or higher on the EIPA or a score commensurate with a competency level of 2.5 or higher on the EIPA Pre-Hire Assessment, may be assigned to provide educational sign language interpreting services. Such individuals shall have three years, from date of initial assignment, or the effective date of this rule, to demonstrate competency as described in (1).	No Change
(4) The employing entity (school district, cooperative, or contracting service provider) is responsible for providing appropriate assignment of personnel (directly) and/or use of appropriate technologies.	No Change
(5) Employees who have met the requirements in (1) and who seek to remain eligible to work as educational sign language interpreters are responsible for documenting a completion of 12 clock hours of	No Change

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professional development and/or Office of Public Instruction renewal units per calendar year related to the improvement of educational interpreting, performance, and knowledge skills. Such individuals will provide documentation of completion to their employing school district, cooperative, or contracting agency.	
(6) For purposes of (5), approved providers of continuing educational opportunities shall include any entity approved by the Montana Office of Public Instruction or the Montana Board of Public Education. (History: 20-2-121, MCA; <u>IMP</u> , 20-2-121, MCA; <u>NEW</u> , 2009 MAR p. 1659, Eff. 9/25/09.)	No Change
<b><u>New Rule: Student Protection Procedures</u></b>	
	(1) <u>A school district shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gesture or physical conduct, including any intentional written, verbal or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:</u>
	(a) <u>Causes a student physical or mental harm, damages a student's property or places a reasonable fear of harm to the student or the student's property;</u>
	(b) <u>Substantially and materially interferes with access to an educational opportunity or benefit; or</u>

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	<u>(c) Substantially and materially disrupts the orderly operation of the school.</u>
	<u>(2) Behavior prohibited under (1) includes retaliation against a victim or witness who reports behavior prohibited under (1).</u>
	<u>(3) "Persistent" as used in this rule can consist of repeated acts against a single student or isolated acts directed against a number of different students.</u>
	<u>(4) The behavior prohibited above includes but is not limited to conduct:</u>
	<u>(a) In a classroom or other location on school premises;</u>
	<u>(b) During any school-sponsored program, activity, or function where the school is responsible for the student, including when the student is traveling to and from school or on a school bus or other school-related vehicle; or</u>
	<u>(c) Through the use of electronic communication, as defined in 45-8-213 MCA, that substantially and materially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for the student.</u>
	<u>(5) Each school district has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but</u>

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	<u>each district's policies and procedures must include at a minimum:</u>
	(a) <u>A prohibition on the behavior specified in (1), regardless of the underlying reason or reasons the student has engaged in such behavior;</u>
	(b) <u>A procedure for reporting and documenting reported acts of behavior prohibited under (1)</u>
	(c) <u>A procedure for investigation of all reports of behavior prohibited under (1)(a) that includes an identification of the persons responsible for the investigation and response;</u>
	(d) <u>A procedure for determining whether the reported act is subject to the jurisdiction of the school district or of another public agency, including law enforcement, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;</u>
	(e) <u>A procedure for prompt notification, as defined in the district policy, of the alleged victim and the alleged perpetrator, or the parents or guardian of such students when the students are minors;</u>
	(f) <u>A procedure to protect any alleged victim of behavior prohibited under (1)(a) from further incidents of such behavior; and</u>
	(g) <u>A disciplinary procedure establishing the consequences for students found to have committed behavior prohibited under (1)</u>